

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION

TIMOTHY SMITH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:10-cv-02790-KOB-PWG
)	
OFFICER LUKIMA and)	
OFFICER FREEMAN,)	
)	
Defendants.)	

MEMORANDUM OF OPINION AND ORDER

The magistrate judge filed a report on February 13, 2012 (doc. 16), recommending that the court treat the defendants' special report (doc. 11) as a motion for summary judgment and, as such, DENY the motion. Although the magistrate judge advised the parties of their right to file specific written objections within fifteen days, no parties filed any objections.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court finds that the magistrate judge's report is due to be ADOPTED and the court ACCEPTS his recommendation. Accordingly, the court DENIES the defendants' motion for summary judgment. The court refers this matter to the magistrate judge for further proceedings.

DONE & ORDERED this 9th day of March 2012.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE